

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOISHE EISENBACK,)	
)	
Plaintiff,)	<u>PROPOSED REVISED CIVIL CASE</u>
vs.)	<u>DISCOVERY PLAN</u>
)	
)	Case No.: 7:20-cv-10908-PMH
AMERICAN EXPRESS COMPANY;)	
SYNCHRONY BANK; PORTFOLIO)	
RECOVERY ASSOCIATES, LLC; U.S.)	
BANCORP; CHASE BANK USA, N.A.;)	
CAPITAL ONE BANK USA, N.A.;)	
FORD MOTOR CREDIT COMPANY, LLC,)	
d/b/a FORD CREDIT; TD BANK USA, N.A.;)	
DISCOVER FINANCIAL SERVICES, LLC;)	
EQUIFAX INFORMATION SERVICES,)	
LLC; EXPERIAN INFORMATION)	
SOLUTIONS, INC.; and TRANSUNION,)	
LLC,;)	
)	
Defendant.)	

This Proposed Revised Civil Case Discovery Plan is submitted with Plaintiff's Consent Motion To Extend Fact Discovery Deadlines pursuant to Rule 1.C. of Your Honor's Individual Practice Rules:

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by May 8, 2021.

4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by April 22, 2021.

5. Fact Discovery

- a. All fact discovery shall be completed by November 19, 2021.
- b. Initial requests for production of documents shall be served by May 13, 2021.
- c. Interrogatories shall be served by May 13, 2021.
- d. Non-expert depositions shall be completed by November 19, 2021
- e. Requests to admit shall be served by May 13, 2021.
- f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).

6. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed by December 30, 2021.
- b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by November 19, 2021.
- c. Defendant's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by December 10, 2021.
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. Additional provisions required by Fed. R. Civ. P. 26(f) and agreed upon by the parties are attached hereto and made a part hereof.

8. ALL DISCOVERY SHALL BE COMPLETED BY December 30, 2021.

9. The parties shall file a joint letter concerning settlement/mediation by January 20, 2022.

10. a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following: N/A

b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case: (i) Settlement conference before a Magistrate after Discovery ends.

c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in the case: After the close fact discovery.

d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

11. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.

12. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.

13. The parties have conferred and their present best estimate of the length of the trial is 3-4 days.

14. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).

15. The Magistrate Judge assigned to this case is the Honorable Andrew E. Krause.

16. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

17. The next case management conference is scheduled for January 31, 2022 at 11:00 a.m.

Dated: White Plains, New York

September 16, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge